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Attorney for Mike Linder and Yellowstone County

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

CHAD STONE,)	
Plaintiff,)	Cause No. CV 23-96-BLG-SPW-TJC
)	
vs.)	
)	
MIKE LINDER,)	SHERIFF MIKE LINDER’S
)	ANSWER TO COMPLAINT
Defendants.)	
_____)	

Introduction

On August 23, 2023, Chad Stone, a former inmate at the Yellowstone County Detention Facility, filed a complaint with the United States District Court for the District of Montana against Michael Linder, the Yellowstone County Sheriff, that alleged while in the Facility, the Facility violated his rights under the Americans with Disabilities Act and right to medical care. ECF No. 1.

On July 10, 2024, after the Court screened the complaint, the Court determined Stone had adequately pled a claim under the Act but had not adequately pled a claim that his right to medical care had been violated. The Court granted Stone until July 31, 2024, to file an amended complaint that alleged a valid claim that his right to medical care had been violated. ECF No. 4. Stone did not file an amended complaint.

On March 24, 2025, the Magistrate recommended the Court dismiss the medical care claim and allow Stone to proceed on the Act claim. ECF No. 5. On April 11, 2025, the Court adopted the recommendation of the Magistrate and had a summons issued for Linder. ECF No. 6. On April 21, 2025, the Marshals served the summons on Linder. ECF No. 8.

The complaint is not a conventional complaint. It would be difficult for Linder to provide a conventional answer to the complaint. Linder files this unconventional answer that generally denies he violated the Americans with Disabilities Act with his treatment of Stone.

Allegations

Linder admits the Court has jurisdiction over the case. The Court is the proper venue for the case. Linder is the Yellowstone County Sheriff. As Sheriff, Linder is responsible for the operation of the Yellowstone County Detention Facility. Stone

was an inmate in the Facility. Prior to his placement in the Facility, Stone had a partial amputation of his right leg.

Linder denies he violated the Americans with Disabilities Act with his treatment of Stone.

Defenses

Stone made an official capacity claim against Linder. An official capacity claim against Linder is a claim against the County, the entity that employs Linder. An individual capacity claim is not allowed. 42 U.S.C. § 12132; *Vinson v. Thomas*, 288 F.3d 1145, 1156 (9th Cir. 2002); *Harper v. State*, 2025 WL 1029255, at *7, footnote 6 (C.D. Cal. Apr. 7, 2025); *LUIS JUAREZ, CDCR #AI-3330, Plaintiff, v. JAMES HILL, Warden, et al., Defendants.*, No. 24-CV-2315-MMA (LR), 2025 WL 1134609, at *5 (S.D. Cal. Apr. 16, 2025). A claim can only be made against the entity. *Id.* The real party is the County, not Linder.

Linder did not violate the Americans with Disabilities Act with his treatment of Stone.

Stone has failed to state a claim upon which relief can be granted against Linder.

Stone only suffered emotional distress damages from the alleged violation of the Americans with Disabilities Act. Emotional distress damages are not

recoverable under the Act. *Jurgens v. Columbia Cnty.*, 2025 WL 563769, at *13 (D. Or. Feb. 20, 2025).

Linder will file an amended answer if other defenses become apparent as more facts are discovered.

Relief Requested

Linder requests the Court:

- (1) find Stone did not make a claim against him,
- (2) find he did not violate any right of Stone under the Americans with Disabilities Act,
- (3) grant judgment in his favor,
- (4) award him costs and attorney fees for the case and
- (5) grant him any other relief the Court deems appropriate under the circumstances.

Request for Jury Trial

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Linder requests a jury trial.

Dated this the 13th day of May 2025.

/s/ Melissa A. Williams
Melissa A. Williams
Deputy Yellowstone County Attorney

Certificate of Service

I certify that on the date below I served a copy of the attached _____ on the following people by the following means:

1, CM/ECF
_____ Hand Delivery
2 Mail
_____ Overnight Delivery Service
_____ Fax
_____ E-mail

1. Clerk, U.S. District Court
2. Chad Stone
1106 West Park Suite 20-157
Livingston, Montana 59047
ogchadstone@gmail.com
Pro Se Plaintiff

Dated this 13th day of May, 2025.

/s/ Melissa A. Williams
Melissa A. Williams
Deputy Yellowstone County Attorney